



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**Two Gateway Center**  
**Newark, NJ 07102**  
[www.bpu.state.nj.us](http://www.bpu.state.nj.us)

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF )  
CABLEVISION OF MONMOUTH, INC. FOR )  
RENEWAL OF A CERTIFICATE OF )  
APPROVAL TO CONTINUE TO OPERATE )  
AND MAINTAIN A CABLE TELEVISION )  
SYSTEM IN THE TOWNSHIP OF COLTS )  
NECK, COUNTY OF MONMOUTH, STATE OF )  
NEW JERSEY )

RENEWAL  
CERTIFICATE OF APPROVAL

DOCKET NO. CE02010028

Schenck, Price, Smith & King, Morristown, New Jersey, by James Eric Andrews, Esq.,  
for the Petitioner.

Township Clerk, Township of Colts Neck, New Jersey, by Robert Bowden, for the Township.

BY THE BOARD:

On March 17, 1987, the Board granted Monmouth Cablevision Associates ("MCA") a Certificate of Approval in Docket No. CE85121268 for the construction, operation and maintenance of a cable television system in the Township of Colts Neck ("Township"). On May 17, 1994, the Board approved the sale of MCA to Cablevision of Monmouth, Inc. ("Petitioner"), in Docket No. CM93120537. Although the Petitioner's above referenced Certificate expired on March 5, 2001, it is authorized to continue to provide cable television service to the Township pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate of Approval.

The Petitioner filed an application for the renewal of its municipal consent with the Township on or about June 23, 2000, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. On October 10, 2001, after public hearing, the Township adopted an ordinance granting renewal municipal consent to the Petitioner. On October 26, 2001, the Petitioner accepted the

terms and conditions of the ordinance, in accordance with N.J.S.A. 48:5A-24. On January 16, 2002, pursuant to N.J.S.A. 48:5A-16, Petitioner filed with the Board for a renewal of its Certificate of Approval for the Township.

The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board **HEREBY FINDS** the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval. Further, these qualifications were reviewed by the Township in conjunction with the municipal consent process.
2. The design and technical specifications of the system shall ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is ten years. The Board finds this period to be of reasonable duration.
5. The Township has reserved the right to conduct a formal review of the franchise commitments by the Township Council upon the five year anniversary of issuance of this Certificate. The review, which shall commence upon notification to the Petitioner by the Township, shall afford the Petitioner the opportunity to respond to all inquiries, participate in all proceedings and shall conclude no later than six months after the five year anniversary date. If during the course of the proceedings the Township finds the provisions of the ordinance are not satisfied, the Township may petition the Board to commence revocation proceedings in conformance with applicable statutes and regulations.
6. The Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate (Appendix "I"). The minimum homes per mile ("HPM") figure is 20.
7. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates, and promptly file any revisions thereto.
8. Pursuant to statutory requirements, the ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the Township. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with applicable rules.
9. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. Currently, the local office serving this provision is located at 1501 18th Avenue, in Wall, New Jersey.
10. The franchise fee to be paid to the Township is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Township. Additional

regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.

11. The Petitioner shall provide public, educational, and governmental ("PEG") access services, equipment and facilities as described in the application and the ordinance. The Petitioner shall provide the Township access to a studio, production equipment and educational workshops. The Petitioner shall provide one PEG access channel for use by the residents and institutions of the Township, for non-commercial programming, pursuant to the ordinance.
12. Upon request of the Township, the Petitioner shall provide the Township with a one-time grant of \$10,000.00 to be applied toward the purchase of PEG access equipment. Upon receipt of the Township's request, the Petitioner shall make the payment to the Township within sixty days.
13. The Petitioner shall provide, free of charge, one standard installation and monthly cable service, to all: a) state or locally accredited public schools; b) all public libraries; c) the municipal court building; d) town hall; e) public works, fire, first aid and police facilities; and f) the recreation building within the Township.
14. The Petitioner shall provide one cable modem and Internet access service to all state or locally accredited public schools and all public libraries within the Township.
15. The Petitioner shall provide one cable modem and Internet access service to the Colts Neck Municipal Building. The Township shall be permitted, at its own cost, to network up to three additional personal computer terminals to the cable modem provided to the Township.
16. The Petitioner shall implement a senior citizens discount in the amount of 10% of the basic monthly service for persons meeting the eligibility requirements, pursuant to N.J.S.A. 30:4D-21 and N.J.A.C. 14:18-3.20.

Based upon these findings, the Board **HEREBY CONCLUDES** that, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has the municipal consent necessary to support the petition, that such consent and issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 et seq., that the Petitioner has complied or is ready to comply with all applicable rules and regulations imposed by or pursuant to State and federal law as preconditions for engaging in the proposed cable television operations, that the Petitioner has sufficient financial and technical capacity, meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment, and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is **HEREBY ISSUED** this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Township.

This Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges

granted herein. The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. §76.1 et seq. including but not limited to, the technical standards 47 C.F.R. §76.601 through §76.630. Any modifications to the provisions thereof shall be incorporated into this Certificate.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or the Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire March 5, 2011.

DATED: June 5, 2003

BOARD OF PUBLIC UTILITIES  
BY:

(signed)

\_\_\_\_\_  
JEANNE M. FOX  
PRESIDENT

(signed)

\_\_\_\_\_  
FREDERICK F. BUTLER  
COMMISSIONER

(signed)

\_\_\_\_\_  
CAROL J. MURPHY  
COMMISSIONER

(signed)

\_\_\_\_\_  
CONNIE O. HUGHES  
COMMISSIONER

(signed)

\_\_\_\_\_  
JACK ALTER  
COMMISSIONER

ATTEST:

(signed)

KRISTI IZZO  
SECRETARY